COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND Legislative Session 2023, Legislative Day No. 3

Bill No. <u>8-23</u>

Mr. <u>Julian E. Jones Jr.</u>, Chairman By Request of County Executive

By the County Council, <u>February 6, 2023</u>

A BILL ENTITLED

AN ACT concerning

Executive Compensation Plan for Employees in the Exempt Service

FOR the purpose of creating an Executive Compensation Plan for Employees in the Exempt Service; providing for discretionary granting of "Permission Leave with Pay" to Senior Executive County employees; and generally relating to compensation for employees in the Exempt Service.

BY repealing and re-enacting, with amendments

Article 4 – Human Resources Title 6 – Exempt Service Employees Baltimore County Code 2015, as amended

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter stricken from existing law.

Strike out indicates matter stricken from bill. Underlining indicates amendments to bill.

SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE

2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

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ARTICLE 4 - HUMAN RESOURCES

TITLE 6 - EXEMPT SERVICE EMPLOYEES

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7 § 4-6-101.

(A) BEGINNING THE FIRST FULL PAY PERIOD ON OR AFTER JULY 1, 2023,
THE FOLLOWING OFFICERS AND EMPLOYEES IN THE EXEMPT SERVICE OF THE
COUNTY, AND THOSE HIRED AFTER JULY 1, 2023, ARE ENTITLED TO
COMPENSATION AT THE PAY RANGES INDICATED IN THE FOLLOWING CHART,
UNTIL CHANGED BY COUNTY LEGISLATION. UNLESS A GIVEN PAY RANGE IS

INDICATED AS "HOURLY," THE RANGE REFERS TO ANNUAL COMPENSATION.

POSITION MINIMUM MAXIMUM COUNTY EXECUTIVE \$177,000 \$265,000 MEMBER, COUNTY COUNCIL \$78,000 \$115,500 CHAIR, COUNTY COUNCIL \$87,000 \$130,500 \$138,000 **SHERIFF** \$207,000 STATE'S ATTORNEY \$177,000 \$265,500 COUNTY ADMINISTRATIVE OFFICER \$217,000 \$325,500 ADMINISTRATIVE LAW JUDGE \$145,000 \$217,500 CHIEF OF POLICE \$192,000 \$288,000 FIRE CHIEF \$192,000 \$288,000 COUNTY HEALTH OFFICER/DIRECTOR OF \$176,000 \$264,000 THE DEPARTMENT OF HEALTH DIRECTOR OF THE DEPARTMENT OF PUBLIC \$163,000 \$244,500 WORKS AND TRANSPORTATION DIRECTOR OF COMMUNICATIONS \$120,000 \$180,000 DIRECTOR OF THE DEPARTMENT OF AGING \$163,000 \$244,500

1	DIRECTOR OF THE DEPARTMENT OF CORRECTIONS	\$192,000	\$288,000
2	DIRECTOR OF THE DEPARTMENT OF ECONOMIC AND WORKFORCE DEVELOPMENT	\$163,000	\$244,500
3	DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY	\$163,000	\$244,500
4	INSPECTOR GENERAL	\$145,000	\$217,500
5	DIRECTOR OF THE OFFICE OF GOVERNMENT REFORM AND STRATEGIC INITIATIVES	\$145,000	\$217,500
6	DIRECTOR OF THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT	\$163,000	\$244,500
7	DIRECTOR OF THE OFFICE OF HUMAN \$176,000 RESOURCES		\$264,000
8	DIRECTOR OF THE OFFICE OF INFORMATION TECHNOLOGY	\$176,000	\$264,000
9	DIRECTOR OF THE DEPARTMENT OF PLANNING	\$163,000	\$244,500
10	DIRECTOR OF THE DEPARTMENT OF RECREATION AND PARKS	\$163,000	\$244,500
11	DIRECTOR OF THE OFFICE OF BUDGET AND FINANCE	\$176,000	\$264,000
12	DIRECTOR OF THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS	\$163,000	\$244,500
13	MEMBER, BOARD OF APPEALS	\$35,000	\$55,500
14	CHAIR, BOARD OF APPEALS	\$40,000	\$67,500
15	MEMBER, BOARD OF ELECTIONS	\$7,263.11	\$11,015.07
16	MEMBER, ELECTRICAL ADMINISTRATIVE BOARD	\$6,517.34	\$6,517.34
17	MEMBER, BOARD OF LIQUOR LICENSE COMMISSIONERS	\$19,658	\$19,658
18	MEMBER, PLUMBING AND GAS FITTING BOARD	\$6,517.34	\$6,517.34
19	MEMBER, POLICE ACCOUNTABILITY BOARD	\$4,000	\$7,500
20	MEDICAL CONSULTING SERVICES, PHYSICIAN	\$324.70/HOUR	\$415.77/HOUR
21	MEDICAL CONSULTING SERVICES, OTHER SPECIALTIES	\$153/HOUR	\$263/HOUR

1	IT CONSULTING SERVICES	\$780.30 \$75/HOUR	\$1,056.83 \$575/HOUR
2	ENVIRONMENTAL CONSULTING SERVICES	\$113/HOUR	\$200/HOUR
3	FINANCE/ECONOMICS CONSULTING SERVICES	\$156/HOUR	\$450/HOUR
4	ATTORNEY CONSULTING FEE	\$36.76/HOUR	\$600/HOUR
5	HOUSING CONSULTING SERVICES	\$115/HOUR	\$135/HOUR
6	APPRAISERS, PROPERTY SERVICES	\$90/HOUR	\$170/HOUR
7	TEMPORARY PERSONNEL/CONSULTANT	\$291/HOUR	\$365/HOUR
8	COUNTY ATTORNEY	\$217,000	\$325,000 \$325,500
9	DEPUTY COUNTY ATTORNEY	\$145,000	\$217,500
10	ASSISTANT COUNTY ATTORNEY	\$94,000	\$141,000
11	ASSISTANT COUNTY ATTORNEY I	\$77,000	\$115,500
12	ASSISTANT COUNTY ATTORNEY II	\$85,000	\$127,500
13	ASSISTANT COUNTY ATTORNEY III	\$94,000	\$141,000
14	DEPUTY STATE'S ATTORNEY	\$131,000	\$196,500
15	ASSISTANT STATE'S ATTORNEY I	\$77,000	\$115,500
16	ASSISTANT STATE'S ATTORNEY II	\$85,000	\$127,500
17	ASSISTANT STATE'S ATTORNEY III	\$94,000	\$141,000
18	POLICE DEPARTMENT ATTORNEY	\$94,000	\$141,000
19	SECRETARY TO COUNTY EXECUTIVE	\$65,000	\$97,500
20	EXECUTIVE ASSISTANT TO COUNTY ADMINISTRATIVE OFFICER	\$54,000	\$81,000
21	LEGISLATIVE COUNSEL/SECRETARY TO COUNTY COUNCIL	\$192,000	\$288,000
22	DEPUTY LEGISLATIVE COUNSEL/SECRETARY TO COUNTY COUNCIL	\$145,000	\$217,500
23	ASSISTANT LEGISLATIVE COUNSEL	\$94,000	\$141,000
24	COUNCIL ADMINISTRATOR	\$108,000	\$162,000
25	LEGISLATIVE AIDE I	\$65,000 <u>\$35,000</u>	\$97,500 <u>\$67,500</u>
26	LEGISLATIVE AIDE II (PART TIME OR TEMPORARY)	\$10,000 <u>\$65,000</u>	\$55,500 <u>\$97,500</u>
27	LEGISLATIVE AIDE (PART TIME OR TEMPORARY	\$10,000	\$55,500
28	LEGISLATIVE ASSISTANT I	\$45,000	\$67,500
29	LEGISLATIVE ASSISTANT II	\$65,000	\$97,500

1	SENIOR COUNCIL ASSISTANT	\$94,000	\$141,000
2	TEMP SUPPORT II (EMPLOYEE OF THE COUNTY COUNCIL)	\$37,000	\$55,000
3	COUNTY AUDITOR	\$192,000	\$288,000
4	AUDITOR I	\$54,000	\$81,000
5	AUDITOR II	\$65,000	\$97,500
6	AUDIT MANAGER	\$108,000	\$162,000
7	DEPUTY AUDITOR	\$145,000	\$217,500
8	DIRECTOR, AUDITS	\$131,000	\$196,500
9	FISCAL & POLICY ANALYST I	\$54,000	\$81,000
10	FISCAL & POLICY ANALYST II	\$65,000	\$97,500
11	LEGISLATIVE OFFICE ADMINISTRATOR	\$65,000	\$97,500
12	PRINCIPAL FINANCIAL DATA ANALYST	\$85,000	\$127,500
13	SENIOR AUDITOR I	\$85,000	\$127,500
14	SENIOR AUDITOR II	\$94,000	\$141,000
15	SENIOR FISCAL & POLICY ANALYST I	\$85,000	\$127,500
16	SENIOR FISCAL & POLICY ANALYST II	\$94,000	\$141,000
17	SUPERVISOR, FISCAL & POLICY ANALYSIS	\$108,000	\$162,000
18	TEMP SUPPORT I	\$31,200	\$56,965
19	TEMP SUPPORT II	\$45,094	\$68,775
20	TEMP SUPPORT III	\$63,565	\$98,778

(B) BEGINNING ON JULY 1, 2023, THE OFFICE OF HUMAN RESOURCES IS AUTHORIZED TO GRANT ANNUAL PAY INCREASE ADJUSTMENTS AND INCREASED MINIMUM PAY CHANGE ADJUSTMENTS CONSISTENT WITH THIS LEGISLATION.

(C) APPROPRIATE FUNDS SHALL BE MADE AVAILABLE IN THE COUNTY'S

BUDGET TO ALLOW THE OFFICE OF HUMAN RESOURCES TO IMPLEMENT THE

ANNUAL PAY INCREASE ADJUSTMENTS AND INCREASED MINIMUM PAY CHANGE

ADJUSTMENTS CONSISTENT WITH THIS LEGISLATION.

1	(D) NOTHING IN THIS TITLE IS INTENDED TO DIMINISH THE EXISTING
2	RIGHTS AND BENEFITS CONFERRED UPON EMPLOYEES IN THE EXEMPT SERVICE
3	BY THE COUNTY CODE OR CHARTER, AND IN THE EVENT OF A CONFLICT, THE
4	MORE SPECIFIC PROVISION SHALL CONTROL.
5	(E) AS OF THE END OF EACH CALENDAR YEAR COMMENCING WITH THE
6	YEAR ENDING DECEMBER 31, 2023, THE ANNUAL INCREASE IN THE CONSUMER
7	PRICE INDEX SHALL BE DETERMINED. THE MINIMUM AND MAXIMUM
8	COMPENSATION RATES FOR "ATTORNEY CONSULTING FEE" PROFESSIONAL
9	CONSULTANTS PERFORMING TEMPORARY OR PART-TIME SERVICES PURSUANT
10	TO SECTION 801(5) OF THE COUNTY CHARTER, AS INDICATED IN THE CHART IN
11	SUBSECTION (A) OF THIS SECTION, SHALL BE INCREASED BY AN AMOUNT EQUAL
12	TO THE ANNUAL INCREASE IN THE CONSUMER PRICE INDEX. THE INCREASES
13	CALCULATED UNDER THIS SUBSECTION SHALL TAKE EFFECT JULY 1, 2024, AND
14	ON JULY 1 EACH YEAR THEREAFTER.
15	(F) FOR PURPOSES OF THIS SECTION, "CONSUMER PRICE INDEX" SHALL
16	MEAN THE CONSUMER PRICE INDEX-ALL URBAN CONSUMERS-UNITED STATES
17	CITY AVERAGE-ALL ITEMS (CPI-U), AS PUBLISHED BY THE UNITED STATES
18	DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.
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20	§ 4-6-102.
21	AN EMPLOYEE IN AN HOURLY RATE POSITION THAT IS IN THE EXEMPT
22	SERVICE PURSUANT TO §801(9) OF THE CHARTER SHALL RECEIVE PAY AS
23	SPECIFIED IN A WRITTEN AGREEMENT BETWEEN THE EMPLOYEE AND THE

- COUNTY AND IN ACCORDANCE WITH AVAILABLE APPROPRIATIONS IN THE 1
- ANNUAL BUDGET AND APPROPRIATION ORDINANCE. 2

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- § 4-6-103. 4
- (1) THIS SECTION APPLIES TO "SENIOR EXECUTIVES," DEFINED AS (A) 5
- SENIOR LEVEL MANAGEMENT STAFF CLASSIFIED AS BEING IN THE EXECUTIVE 6
- OR MANAGEMENT SERVICE, AS DETERMINED BY THE COUNTY'S HUMAN 7
- RESOURCES DIRECTOR, AND SUBJECT TO THE APPROVAL OF THE COUNTY 8
- 9 ADMINISTRATIVE OFFICER.
- (2) ANY COUNTY EMPLOYEE IN THE EXEMPT SERVICE MAY BE 10 DEEMED A "SENIOR EXECUTIVE" WITH THE JOINT APPROVAL OF THE COUNTY 11 ADMINISTRATIVE OFFICER AND THE COUNTY EXECUTIVE.
 - (B) BEGINNING ON JULY 1, 2023, A SENIOR EXECUTIVE WHO HAS COMPLETED AT LEAST ONE YEAR OF COUNTY EMPLOYMENT, AND WHO IS LEAVING COUNTY EMPLOYMENT, MAY REQUEST TO CONTINUE TO RECEIVE COMPENSATION FOR A PERIOD OF UP TO 90 DAYS FOLLOWING THEIR LAST DATE OF COUNTY EMPLOYMENT. THIS COMPENSATION SHALL CONSTITUTE THE
- (C) COMPENSATION PAID PURSUANT TO THIS SECTION WILL UTILIZE 19 20 "PERMISSION LEAVE WITH PAY" AS SPECIFIED IN THE COUNTY'S PERSONNEL MANUAL. 21

COUNTY'S SEVERANCE PLAN FOR SENIOR EXECUTIVES.

22 (D) ALL REQUESTS FOR PERMISSION LEAVE WITH PAY MADE PURSUANT TO THIS SECTION SHALL BE REVIEWED BY THE COUNTY ADMINISTRATIVE 23

1	OFFICER, WHO MAY SEEK INPUT FROM THE OFFICE OF LAW, THE OFFICE OF
2	HUMAN RESOURCES, AND THE OFFICE OF BUDGET AND FINANCE.

- 3 (E) (1) REQUESTS FOR PERMISSION LEAVE WITH PAY SHALL BE
 4 APPROVED OR DENIED ON A DISCRETIONARY BASIS BY THE COUNTY
 5 ADMINISTRATIVE OFFICER, WITH THE APPROVAL OF THE COUNTY EXECUTIVE.
- 6 (2) IN THE CASE OF THE COUNTY ADMINISTRATIVE OFFICER

 7 MAKING A REQUEST FOR PERMISSION LEAVE WITH PAY, IT SHALL BE DECIDED

 8 BY THE COUNTY EXECUTIVE.

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- (F) IN DECIDING ON THE EXTENT OF PERMISSION LEAVE WITH PAY TO BE GRANTED, IF ANY, THE SENIOR EXECUTIVE'S LENGTH OF EMPLOYMENT WITH THE COUNTY MAY BE CONSIDERED.
- (G) (1) A SENIOR EXECUTIVE SEEKING PERMISSION LEAVE WITH PAY
 UNDER THIS SECTION MUST MAKE A WRITTEN REQUEST TO THE COUNTY
 ADMINISTRATIVE OFFICER PRIOR TO THEIR FINAL DATE OF COUNTY
 EMPLOYMENT.
- 16 (2) IN THE CASE OF THE COUNTY ADMINISTRATIVE OFFICER

 17 MAKING A REQUEST FOR PERMISSION LEAVE WITH PAY, IT MUST BE SUBMITTED

 18 TO THE COUNTY EXECUTIVE.
- 19 (H) (1) A DECISION ON A REQUEST FOR PERMISSION LEAVE WITH PAY
 20 UNDER THIS SECTION SHALL BE COMMUNICATED IN WRITING TO THE SENIOR
 21 EXECUTIVE.
- 22 (2) A SENIOR EXECUTIVE WHOSE REQUEST IS DENIED IN WHOLE OR 23 PART HAS NO RIGHT OF APPEAL OR HEARING.

1	(I) UPON THE APPROVAL OF A REQUEST FOR PERMISSION LEAVE WITH
2	PAY, THE COUNTY ADMINISTRATIVE OFFICER OR THEIR DESIGNEE SHALL
3	COORDINATE WITH THE DIRECTOR OF THE OFFICE OF HUMAN RESOURCES AND
4	THE DIRECTOR OF THE OFFICE OF BUDGET AND FINANCE TO IMPLEMENT THE
5	APPROVAL.
6	(J) IF A REQUEST IS APPROVED, THE SENIOR EXECUTIVE SHALL NOT
7	ACCRUE ADDITIONAL LEAVE OF ANY KIND WHILE RECEIVING PERMISSION
8	LEAVE WITH PAY.
9	(K) IF A REQUEST FOR PERMISSION LEAVE WITH PAY IS APPROVED FOR A
10	VESTED SENIOR EXECUTIVE, THEIR ACCRUED SICK LEAVE MAY BE APPLIED FOR
11	RETIREMENT PURPOSES, IF ELIGIBLE, IN ACCORDANCE WITH COUNTY
12	RETIREMENT LAWS, RULES, AND REGULATIONS.
13	(L) (1) IF A REQUEST IS APPROVED, CONTINUATION OF THE PERMISSION
14	LEAVE WITH PAY SHALL TERMINATE UPON THE FIRST TO OCCUR OF THE
15	FOLLOWING:
16	(I) THE OBTAINING OF OTHER EMPLOYMENT, REGARDLESS
17	OF WHETHER OR NOT THE NEW EMPLOYMENT OFFERS HEALTH CARE
18	COVERAGE; OR
19	(II) THE END OF THE APPROVED PERIOD FOR PERMISSION
20	LEAVE WITH PAY.
21	(2) THE PROVISIONS OF THIS SUBSECTION SHALL BE
22	COMMUNICATED IN WRITING TO THE SENIOR EXECUTIVE UPON APPROVAL OF A
23	REQUEST FOR PERMISSION LEAVE WITH PAY.

1	(M) (1) A SENIOR EXECUTIVE APPROVED TO RECEIVE PERMISSION
2	LEAVE WITH PAY UNDER THIS SECTION SHALL, UPON OBTAINING OTHER
3	EMPLOYMENT, IMMEDIATELY INFORM THE OFFICE OF THE COUNTY
4	ADMINISTRATIVE OFFICER ORALLY AND IN WRITING AND REQUEST
5	TERMINATION OF THE PERMISSION LEAVE WITH PAY.
6	(2) THE OBLIGATIONS IMPOSED ON THE SENIOR EXECUTIVE BY THIS
7	SUBSECTION SHALL BE COMMUNICATED IN WRITING TO THE SENIOR
8	EXECUTIVE UPON APPROVAL OF A REQUEST FOR PERMISSION LEAVE WITH PAY.
9	(3) WHEN THE OFFICE OF THE COUNTY ADMINISTRATIVE OFFICER IS
10	INFORMED OF THE OBTAINING OF OTHER EMPLOYMENT, OR ANY OTHER
11	CIRCUMSTANCES REQUIRING TERMINATION OF AN APPROVED PERMISSION
12	LEAVE WITH PAY UNDER THIS SECTION, IT SHALL PROMPTLY COORDINATE
13	WITH THE OFFICE OF LAW AND THE OFFICE OF HUMAN RESOURCES TO ENSURE
14	TIMELY DISCONTINUANCE OF THE PERMISSION LEAVE WITH PAY.
15	(N) IF FRAUD, ABUSE, OR MISUSE IS BELIEVED TO HAVE TAKEN PLACE ON
16	THE PART OF ANY SENIOR EXECUTIVE APPROVED FOR USE OF PERMISSION
17	LEAVE WITH PAY UNDER THIS SECTION, THE COUNTY ADMINISTRATIVE
18	OFFICER, WITH THE APPROVAL OF THE COUNTY EXECUTIVE AND IN
19	CONSULTATION WITH THE OFFICE OF LAW, SHALL IMMEDIATELY TERMINATE
20	THE PERMISSION LEAVE WITH PAY AND TAKE ALL STEPS DEEMED ADVISABLE
21	TO HOLD THE SENIOR EXECUTIVE ACCOUNTABLE.
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23	[§ 4-6-101] § 4-6-104.

1	(a) (1) An appointing authority may dismiss an employee in the exempt service or
2	serving under an emergency, temporary, seasonal, occasional, or part-time appointment from the
3	employee's job at any time.
4	(2) The dismissed employee does not have right of appeal or hearing, UNLESS
5	OTHERWISE AUTHORIZED IN THE BALTIMORE COUNTY CODE OR COUNTY
6	CHARTER.
7	(b) [When] UNLESS PROVIDED FOR IN ANOTHER SECTION OF THE
8	BALTIMORE COUNTY CODE OR COUNTY CHARTER, WHEN dismissing an employee
9	under this section, the appointing authority shall give the employee reasonable notice of the
10	dismissal action as provided for in the Personnel Rules and shall forward a copy of the notice to
11	the Director of Human Resources.
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13	SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
14	after its enactment.

LEGISLATION					
DISPOSITION					
ENACTED					
EFFECTIVE					
AMENDMENT	ΓS				
ROLL CALL - L	EGISLAT	TON	ROLL CALL -	AMEND	MENTS
MOTION		SECOND	MOTION		SECOND
AYE	NAY		AYE	NAY	
		Councilman Young			Councilman Young
		Councilman Patoka			Councilman Patoka
		Councilman Kach			Councilman Kach
		Councilman Jones			Councilman Jones
		Councilman Marks			Councilman Marks
		Councilman Ertel			Councilman Ertel
		Councilman Crandell			Councilman Crandell
		AFNITC	DOLL CALL		NAFNITC
ROLL CALL - AMENDMENTS MOTION SECO		SECOND	ROLL CALL -	AIVIEND	SECOND
AYE	NAY		AYE	NAY	
		Councilman Young			Councilman Young
		Councilman Patoka			Councilman Patoka
		Councilman Kach			Councilman Kach
		Councilman Jones			Councilman Jones
		Councilman Marks			Councilman Marks
		Councilman Ertel			Councilman Ertel
		Councilman Crandell			Councilman Crandell